

Minutes of the Regular Business Meeting of the  
Board of Mayor and Aldermen of the City of Kingsport, Tennessee  
Tuesday, July 10, 2012, 7:00 PM  
Large Court Room – City Hall

PRESENT: Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding  
Alderman John Clark  
Alderman Valerie Joh  
Alderman Michael McIntire

Vice-Mayor Tom C. Parham  
Alderman Tom Segelhorst  
Alderman Jantry Shupe

City Administration

John G. Campbell, City Manager  
J. Michael Billingsley, City Attorney  
Lisa Winkle, Deputy City Recorder

- I. **CALL TO ORDER:** 7:00 p.m., by Mayor Dennis R. Phillips.
- II.A. **PLEDGE OF ALLEGIANCE TO THE FLAG:** Alderman Jantry Shupe.
- II.B. **INVOCATION:** By Richard Dice, Pastor – Christ Church.
- III. **ROLL CALL:** By Comptroller, Lisa Winkle.
- IV. **RECOGNITIONS AND PRESENTATIONS.** None.
- V. **APPROVAL OF MINUTES.**

Motion/Second: Parham/Joh, to approve minutes for the following meetings:

- A. June 19, 2012 Regular Work Session
- B. June 20, 2012 Regular Business Meeting

Approved: All present voting "aye."

VI. **COMMUNITY INTEREST ITEMS.**

AA. **PUBLIC HEARINGS.**

1. **Public Hearing for Annexation Annual Plan of Services Report**  
(AF: 187-2012). Planner Manager Lynn Tully gave a brief presentation on this item.

**PUBLIC COMMENT ON ITEM VI.AA.1.** None.

2. **Public Hearing for Annexation Annual Plan of Services Report**  
(AF: 188-2012). Planner Manager Lynn Tully gave a brief presentation on this item. Vice-Mayor Parham pointed out it was mentioned last night at the work session that citizens seem pleased overall with the speed of service.

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**PUBLIC COMMENT ON ITEM VI.AA.2. None.**

**A. PUBLIC COMMENT.** Mayor Phillips invited citizens in attendance to speak about any of the remaining agenda items. There being no one coming forward to speak, the Mayor closed the public comment segment.

**NOTE:** At this time Mayor Phillips addressed Item VI.E.5 to accommodate those in the audience representing the school board. Mr. Randal Montgomery, Board of Education President, stated they would reserve their comments until after the vote. After the vote, Ms. Carrie Upshaw, Board of Education Vice-President and Ms. Susan Lodal, I board of education member, commented on this appointment.

**B. BUSINESS MATTERS REQUIRING FIRST READING.**

**1. Consideration of an Ordinance to Appropriate Cultural Arts Funding Received from Donations (AF: 213-2012).**

Motion/Second: Joh/Parham, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECT-SPECIAL REVENUE FUND BUDGET BY APPROPRIATING FUNDS RECEIVED FROM ENGAGE KINGSFORT FOR THE YEAR ENDING JUNE 30, 2012; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

**2. Consideration of an Ordinance Suspending the Full Reading of Pre-Filed Ordinances (AF: 217-2012).** City Attorney Billingsley provided details on this item, describing the evolution of this process over the last few years. He stated the beginning of a fiscal year is a good time to make a permanent change and this ordinance clarifies the question of permanency in regards to this issue.

Motion/Second: McIntire/Clark, to pass:

AN ORDINANCE PROVIDING FOR SUSPENSION OF THE FULL READING OF ALL PRE-FILED ORDINANCES PURSUANT TO ARTICLE IV, SECTION 2 OF THE CHARTER OF THE CITY OF KINGSFORT

Passed on first reading: All present voting "aye."

**3. Consideration of an Ordinance to Amend the Code of Ordinances, Section 62-123 Relating to Waste and Garbage Disposal in Mobile Home Parks and Section 90-1 Relating to the Definitions of the Terms "Nonresidential Producer" and "Residential Producer" (AF: 205-2012).** City Manager Campbell provided details on this item. Alderman Segelhorst made a motion to amend the language referring to "twice weekly" to remove the word "twice," seconded by Alderman Joh.

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Motion/Second: Parham/Joh, to pass as amended:

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, SECTION 62-123 RELATING TO WASTE AND GARBAGE DISPOSAL IN MOBILE HOME PARKS; SECTION 90-1 RELATING TO THE DEFINITIONS OF THE TERMS "NONRESIDENTIAL PRODUCER" AND "RESIDENTIAL PRODUCER"; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

**4. Consideration of an Ordinance Transferring Funds to Various Projects for End of Year Cleanup** (AF: 170-2012). Budget Director Judy Smith commented the revision to this item was the removal of the resolution, noting it was not necessary to accompany this ordinance.

Motion/Second: McIntire/Shupe, to pass:

AN ORDINANCE TO AMEND VARIOUS PROJECTS FOR THE FISCAL YEAR ENDING JUNE 30, 2012; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

**C. BUSINESS MATTERS REQUIRING FINAL ADOPTION.**

**1. Consideration of Ordinances to Annex/Amend Zoning of the JB Dennis Annexation** (AF: 163-2012).

Motion/Second: McIntire/Segelhorst, to pass:

**ORDINANCE NO. 6224**, AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 10<sup>th</sup> and 11<sup>th</sup> CIVIL DISTRICTS OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE JB DENNIS ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, Joh, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

Motion/Second: McIntire/Joh, to pass:

**ORDINANCE NO. 6225**, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG JOHN B DENNIS HIGHWAY TO R-1B, RESIDENTIAL DISTRICT, B-3, HIGHWAY ORIENTED BUSINESS DISTRICT, AND M-1R, LIGHT INDUSTRIAL DISTRICT IN THE 10<sup>TH</sup> AND 11<sup>TH</sup> CIVIL DISTRICTS OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, Joh, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

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**D. OTHER BUSINESS.**

**1. Consideration of a Resolution Authorizing the Mayor to Execute Agreements with Various Agencies and Organizations for Community Development Block Grant and Emergency Shelter Grant Funding in Fiscal Year 12-13 (AF: 209-2012).**

Motion/Second: Joh/Shupe, to pass:

**Resolution No. 2013-001**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AGREEMENTS WITH VARIOUS AGENCIES AND ORGANIZATIONS FOR COMMUNITY DEVELOPMENT BLOCK GRANT AND EMERGENCY SOLUTIONS GRANT FUNDING IN FISCAL YEAR 2012-2013

Passed: All present voting "aye."

**2. Consideration of a Resolution Authorizing Awarding the Bid for the Purchase of Road Salt to Cargill, Inc. for FY13 (AF: 204-2012).** City Manager Campbell commented on the successful process of using multiple cities for this bid. Mayor Phillips provided details on the new salt storage shed and commended the public works employees for building it for \$80,000 when the bid came back at \$180,000.

Motion/Second: Segelhorst/Parham, to pass:

**Resolution No. 2013-002**, A RESOLUTION AWARDING THE BID FOR PURCHASE OF ROAD SALT TO CARGILL, INC. AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

Passed: All present voting "aye."

**3. Consideration of a Resolution Authorizing the City Recorder to Reconcile and Adjust Uncollectible Real Property Tax for Year 2001 (AF: 210-2012).** City Manager Campbell noted this was common practice after ten years.

Motion/Second: McIntire/Clark, to pass:

**Resolution No. 2013-003**, A RESOLUTION AUTHORIZING THE CITY RECORDER TO RECONCILE AND ADJUST DELINQUENT PROPERTY TAX RECEIVABLES IN FISCAL YEAR 2012 FOR THE TAX YEAR 2001; AND AUTHORIZING AND DIRECTING THE MAYOR AND THE CITY RECORDER TO EXECUTE ANY PLEADINGS NECESSARY AND PROPER FOR THE DELINQUENT TAX COLLECTION LAWSUIT

Passed: All present voting "aye."

**4. Consideration of a Resolution Awarding the Bid for Stone Tree Area (Rock Springs) Sanitary Sewer Facilities and Waterline Improvements and Authorize the Mayor to Sign All Applicable Documents (AF: 208-2012).**

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Motion/Second: McIntire/Segelhorst, to pass:

**Resolution No. 2013-004**, A RESOLUTION AWARDDING THE BID FOR STONE TREE AREA (ROCK SPRINGS) SANITARY SEWER FACILITIES AND WATERLINE IMPROVEMENTS TO MERKEL BROTHERS CONSTRUCTION AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR THE SAME AND ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

**5. Consideration of a Resolution to Accept Deeds and Deeds of Easement for Various City Projects (AF: 212-2012).**

Motion/Second: Clark/Joh, to pass:

**Resolution No. 2013-005**, A RESOLUTION TO ACCEPT DEEDS, DEEDS OF EASEMENT, AND OTHER MUNIMENT OF TITLE FROM THE VARIOUS PROPERTY OWNERS AND OTHERS HAVING AN INTEREST IN PROPERTY AS HEREINAFTER SET OUT, CONVEYING TO THE CITY OF KINGSPORT, A MUNICIPAL CORPORATION OF THE STATE OF TENNESSEE, TITLE TO THE PROPERTY DESCRIBED IN SUCH DEEDS, DEEDS OF EASEMENT, AND OTHER MUNIMENT OF TITLE, LOCATED IN THE 7<sup>TH</sup>, 10<sup>TH</sup>, 11<sup>TH</sup>, 12<sup>TH</sup> AND 13<sup>TH</sup> CIVIL DISTRICTS OF SULLIVAN COUNTY, TENNESSEE

Passed: All present voting "aye."

**6. Consideration of a Resolution Accepting the Proposal of Clinical Management Concepts, Inc. for the Diabetes Management Program and Authorizing the Mayor to Execute the Contract for the Service (AF: 99-2012).** Mayor Phillips pointed out this was the second time this item has come before the Board. It was pulled the first time because there were not many bids, however, this time there were only two submitted. He noted the purchasing department was very fair.

Motion/Second: Joh/Clark, to pass:

**Resolution No. 2013-006**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH CLINICAL MANAGEMENT CONCEPTS, INC. FOR A DIABETES MANAGEMENT PROGRAM AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

**7. Consideration of a Resolution to Accept Donation of Sculpture (AF: 214-2012).**

Motion/Second: McIntire/Joh, to pass:

**Resolution No. 2013-007**, A RESOLUTION ACCEPTING A DONATION OF "TILT", A SCULPTURE BY JOHN NICHOLAS RALSTON V

Passed: All present voting "aye."

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**8. Consideration of a Resolution Awarding the Bid for Systemwide Waterline Replacement and Authorize the Mayor to Sign All Applicable Documents (AF: 211-2012).**

Motion/Second: Segelhorst/Clark, to pass:

**Resolution No. 2013-008**, A RESOLUTION AWARDING THE BID FOR THE SYSTEM WIDE WATERLINE REPLACEMENT PROJECT TO TIPTON CONSTRUCTION COMPANY AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR THE SAME AND ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

**9. Consideration of a Resolution Approving an Agreement with KEDB for Unit 210 in 400 Clinchfield Condominium Association (AF: 218-2012).**

City Manager Campbell stated this was a document to pay off the remainder of this commitment, noting the Chamber of Commerce and Kingsport City Schools were also interested in this space on the second floor. Mr. Campbell confirmed for the Mayor that we are not selling it at this time. Mayor Phillips stated the Board is not interested in selling, but using this space for a museum. City Attorney Billingsley pointed out the agreement allows the city to sell on our terms but that does not mean that we have to.

Motion/Second: Parham/Joh, to pass:

**Resolution No. 2013-009**, A RESOLUTION APPROVING AN AGREEMENT WITH THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF KINGSPORT, TENNESSEE FOR UNIT 210 IN THE 400 CLINCHFIELD CONDOMINIUM ASSOCIATION BUILDING; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

**10. Consideration of a Resolution Rejecting the Bid for Farmer's Market Phase IIB Electrical Construction Project (AF: 220-2012).**

Motion/Second: Joh/Shupe, to pass:

**Resolution No. 2013-010**, A RESOLUTION REJECTING ALL BIDS RELATED TO THE FARMER'S MARKET PHASE IIB ELECTRICAL CONSTRUCTION PROJECT

Passed: All present voting "aye."

**11. Consideration of a Resolution Rejecting the Bids for the Farmer's Market Phase IIB Masonry Construction Project (AF: 221-2012).**

Motion/Second: Joh/McIntire, to pass:

**Resolution No. 2013-011**, A RESOLUTION REJECTING ALL BIDS RELATED TO THE FARMER'S MARKET PHASE IIB MASONRY CONSTRUCTION PROJECT

Passed: All present voting "aye."

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**E. APPOINTMENTS/REAPPOINTMENTS.**

**1. Consideration of Appointment to the Parks and Recreation  
Advisory Committee (AF: 207-2012).**

Motion/Second: Phillips/Segelhorst, to approve the following:

APPOINTMENT OF MS. REBA BARBER, MS. SUSAN KREIN AND MR. ALAN MEADE  
TO SERVE THREE-YEAR TERMS ON THE **PARKS AND RECREATION ADVISORY  
COMMITTEE**, EFFECTIVE IMMEDIATELY AND EXPIRING JUNE 30, 2015

Passed: All present voting "aye."

**2. Consideration of Reappointments/Appointments to the Public  
Art Committee (AF: 125-2012).**

Motion/Second: Phillips /Segelhorst, to approve the following:

APPOINTMENT OF MS. BEVERLY PERDUE AND MR. JEFFERY STONER AND  
REAPPOINTMENT OF MESSRS. ROY HARMON, BRAD HOOVER AND BRUCE SHINE  
TO SERVE THREE-YEAR TERMS ON THE **PUBLIC ART COMMITTEE**, EFFECTIVE  
IMMEDIATELY AND EXPIRING JUNE 30, 2015.

Passed: All present voting "aye."

**3. Consideration of a Reappointment to the Regional Planning  
Commission (AF: 216-2012).**

Motion/Second: Phillips /Segelhorst, to approve the following:

REAPPOINTMENT OF MS. COLETTE GEORGE TO SERVE A FOUR-YEAR TERM ON  
THE **REGIONAL PLANNING COMMISSION**, EFFECTIVE IMMEDIATELY AND  
EXPIRING ON JUNE 30, 2016.

Passed: All present voting "aye."

**4. Consideration of a Reappointment to the Beverage Board  
(AF: 219-2012).**

Motion/Second: Joh/Parham, to approve the following:

REAPPOINTMENT OF MR. ALLEN RAU TO SERVE A THREE-YEAR TERM ON THE  
**BEVERAGE BOARD**, EFFECTIVE IMMEDIATELY AND EXPIRING ON JUNE 30, 2015.

Passed: All present voting "aye."

**5. Consideration of Appointment to Fill Vacancy on the Board of  
Education (AF: 223-2012).**

Motion/Second: Parham Clark, to approve the following:

APPOINTMENT OF MR. ANDY KING ON THE **BOARD OF EDUCATION** TO SERVE  
AND COMPLETE THE TERM OF CHERY HARVEY WHO HAS RESIGNED HER SEAT.

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THIS APPOINTMENT IS EFFECTIVE IMMEDIATELY AND EXPIRES ON JUNE 30, 2013.

Passed: All present voting "aye."

**VII. CONSENT AGENDA.**

**Consent Agenda items are considered under one motion.**

Motion/Second: Joh/Clark, to adopt:

**1. Consideration of a Budget Ordinance Amending the  
Community Development Fund (AF: 123-2012).**

Adopt:

**Ordinance No. 6226**, AN ORDINANCE TO AMEND VARIOUS PROJECTS IN THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND FOR THE FISCAL YEAR ENDING JUNE 30, 2012; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, Joh, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

**2. Consideration of an Ordinance to Amend the General Project  
Fund Budget by Appropriating General Obligation Bond Series 2012A  
(AF: 202-2012).**

Adopt:

**Ordinance No. 6227**, AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BUDGET BY APPROPRIATING GENERAL OBLIGATION BOND, SERIES 2012A; FOR THE FISCAL YEAR ENDING JUNE 30, 2012; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, Joh, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

**3. Consideration of an Ordinance to Amend the General Project  
Fund Budget by Appropriating General Obligation Public Improvement Bond  
Series 2012C (AF: 203-2012).**

Adopt:

**Ordinance No. 6228**, AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND AND THE WATER AND SEWER FUND BUDGETS BY APPROPRIATING GENERAL OBLIGATION PUBLIC IMPROVEMENT BOND, SERIES 2012C; FOR THE FISCAL YEAR ENDING JUNE 30, 2012; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, Joh, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."



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**VIII. COMMUNICATIONS.**

**A. CITY MANAGER.** Mr. Campbell pointed out that Funfest was coming up and that he appreciates the efforts of the employees.

**B. MAYOR AND BOARD MEMBERS.** Alderman McIntire stated he was glad to be home from vacation.

Alderman Joh commented on the weather and noted there were three more sponsors for the carousel, leaving only twelve animals left.

Alderman Segelhorst mentioned Funfest and thanked the sponsors, coordinators, employees and volunteers, encouraging people to volunteer for trashbusters. He also congratulated Andy King for his appointment to the Board of Education.


Alderman Clark gave details on a function he had attended earlier in the day involving representatives from the Chamber of Commerce, Kingsport City Schools and city staff, noting he was impressed.

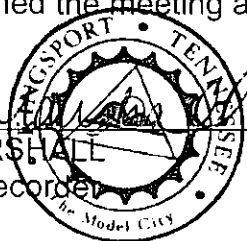
Vice-Mayor Parham stated the Board of Education appointment was a good selection and that he was very appreciative of the job that they do.

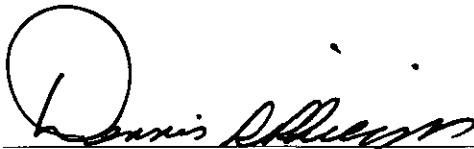
Mayor Phillips noted he had received a call from a business owner on Gibson Mill Road who was complaining of the road construction and how it affected the businesses there. He encouraged everyone to patronize these businesses when possible and they are open even though it may be a little harder to get there. He stated it will be better in the long run.

**C. VISITORS.** None.

**IX. ADJOURN.** Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 7:50 p.m.

  
ANGELA MARSHALL  
Deputy City Recorder



  
DENNIS R. PHILLIPS  
Mayor